

## Message Text

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PAGE 01 USUN N 01210 041818Z  
ACTION IO-14

INFO OCT-01 ISO-00 EUR-12 L-03 CPR-01 /031 W  
-----106692 050809Z /11

R 041737Z APR 78  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC 0440

UNCLAS USUN NEW YORK 01210

FOLLOWING IS USUN 1210 REPEATED FOR UR INFO - SENT APRIL  
3, 1978 INFO AMCONSUL LENINGRAD, AMEMBASSY MOSCOW

QUOTE:

UNCLAS USUN NEW YORK 01210

E.O. 11652 N/A  
TAGS: PDIP, UR  
SUBJECT: SUIT FILED AGAINST SOVIET MISSION OVER MALIK AUTO  
ACCIDENT OF MARCH 14, 1976

1. WE HAVE RECEIVED FORMAL NOTE FROM SMUN ENCLOSING A  
SUMMONS ISSUED BY SUPREME COURT OF STATE OF NEW YORK,  
COUNTY OF NASSAU, IN CASE OF ARTHUR A. SOWINSKI V.  
HARRIET L. KERLEY, SMUN, AND VASILII L. ORLOV. CASE ARISES  
FROM AUTO ACCIDENT WHICH OCCURRED MARCH 14, 1976 AND WHICH  
INVOLVED DEATH OF ROSEMARIE P. SOWINSKI, WIFE OF PLAINTIFF.  
SUIT IS IN AMOUNT OF \$5,400,000 TOGETHER WITH COSTS AND  
DISBURSEMENTS OF ACTION.

2. TRANSLATION OF TEXT OF SOVIET NOTE IS AS FOLS:

BEGIN TEXT  
THE PERMANENT MISSION OF THE UNION OF SOVIET SOCIALIST  
REPUBLICS TO THE UNITED NATIONS PRESENTS ITS COMPLIMENTS TO  
THE MISSION OF THE UNITED STATES OF AMERICA TO THE UNITED  
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NATIONS AND HAS THE HONOR TO ADVISE IT OF THE FOLLOWING:  
ON MARCH 13, 1978 AN UNKNOWN PERSON LEFT A COPY OF  
MATERIALS OF THE SUPREME COURT OF NASSAU COUNTY (NEW YORK)  
IN THE BUILDING OF THE MISSION OF THE USSR TO THE UN. IT  
IS EVIDENT FROM THESE MATERIALS THAT THIS COURT IS CON-  
SIDERING AN APPLICATION BY ARTHUR A. SOWINSKI, A US CITIZEN,  
AGAINST THE MISSION OF THE USSR AND A FORMER EMPLOYEE OF

THE MISSION, WHO WORKED AS THE DRIVER FOR AMBASSADOR YA. A. MALIK, WHO WAS AT THAT TIME THE PERMANENT REPRESENTATIVE OF THE USSR TO THE UN.

THE MISSION OF THE USSR TO THE UN HERewith FORWARDS THE ABOVE-MENTIONED MATERIALS AND ASKS THE MISSION OF THE UNITED STATES TO THE UN TO DRAW THE ATTENTION OF THE NASSAU COUNTY COURT TO THE FACT THAT, IN ACCORDANCE WITH OPERATIVE, GENERALLY RECOGNIZED NORMS OF INTERNATIONAL LAW, LAID DOWN, IN PARTICULAR, IN THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961, TO WHICH THE USSR AND THE UNITED STATES, ALONG WITH OTHER STATES, ARE PARTIES, DIPLOMATIC MISSIONS AND THEIR STAFFS ENJOY IMMUNITY FROM THE CIVIL AND ADMINISTRATIVE JURISDICTION OF THE RECEIVING COUNTRY.

THE MISSION OF THE USSR ALSO DRAWS THE ATTENTION OF THE MISSION OF THE UNITED STATES TO THE FACT THAT THE ACTUAL CIRCUMSTANCES SURROUNDING THE ACCIDENT WHICH OCCURRED WHEN THE AUTOMOBILE OF HARRIET L. KERLI (NAME TRANSLITERATED FROM THE RUSSIAN), A US CITIZEN WHO HAD VIOLATED THE TRAFFIC REGULATIONS, COLLIDED WITH THE AUTOMOBILE IN WHICH AMBASSADOR YA. A. MALIK AND HIS WIFE WERE TRAVELLING TO NEW YORK, WERE SET FORTH IN ITS NOTE NO. 182, DATED MARCH 19, 1976, BASED ON DOCUMENTS AND INDISPUTABLE FACTS, WHICH WERE TAKEN INTO CONSIDERATION BY THE US SIDE.

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THE MISSION OF THE USSR TO THE UNITED NATIONS REGARDS THE ACTIONS OF THE SUPREME COURT OF NASSAU COUNTY (NEW YORK) WITH RESPECT TO THE APPLICATION OF ARTHUR A SOWINSKI AS ABSOLUTELY UNLAWFUL AND CONTRARY TO THE AFOREMENTIONED NORMS OF INTERNATIONAL LAW, AND EXPECTS THE US GOVERNMENT TO TAKE THE NECESSARY STEPS TO HALT THE EXAMINATION OF THIS CASE IN COURT. END TEXT

3. WE HAVE FORWARDED COPIES OF SUMMONS AND ATTACHMENT TO IO/UNP - LOUIS R. HAGE AND AMEMBASSY MOSCOW. WE UNDERSTAND SOVIETS HAVE TRANSMITTED COPY TO THEIR INSURANCE BROKER.

4. PLEASE ADVISE US AT THE EARLIEST TIME ON RESPONSE TO BE MADE IN CONNECTION WITH SOVIET REQUEST FOR A SUGGESTION OF IMMUNITY IN THIS CASE. LEONARD

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LITIGATION, TRAFFIC ACCIDENTS, DIPLOMATIC NOTES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Subject:** SUIT FILED AGAINST SOVIET MISSION OVER MALIK AUTO ACCIDENT OF MARCH 14, 1976  
**TAGS:** PDIP, UR, US, (SOWINSKI, ARTHUR A), (KERLEY, HARRIET L), (ORLOV, VASILY L)  
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**Type:** TE  
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**Review Markings:**  
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